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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	<b>2:17-CR-199-RFB</b>
	)	
Plaintiff,	)	<b>MOTION TO CONTINUE</b>
	)	<b>GOVERNMENT'S RESPONSE</b>
v.	)	<b>DEADLINE</b>
	)	
MARVIN ROBINSON,	)	
	)	
Defendant.	)	
_____	)	

**MOTION TO CONTINUE GOVERNMENT'S RESPONSE DEADLINE**

The United States of America, by and through DAYLE ELIESON, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, hereby files a Motion to Continue the Government's Response Deadline to the Defendant's Motion to Suppress ("Defendant's Motion") in the above-entitled manner, until February 5, 2018.

This Motion is filed for the following reasons:

1. The Defendant's Motion was filed and served on November 8, 2017. *See* Docket #27.
2. The parties were previously attempting to negotiate the case via a plea agreement, which would have obviated the need for the Court to consider the Defendant's Motion. Counsel

for the Defendant notified undersigned counsel for the Government via email on January 18, 2018 that the Defendant declined to enter into the proposed plea agreement.

3. Undersigned counsel for the Government was out of the jurisdiction from January 16-19, 2018.

4. Trial in this matter is presently scheduled for March 27, 2018. Consequently, an extension of the Government's response deadline until February 5, 2018 will not affect the present trial date or prejudice the Defendant.

5. The additional time requested herein is not sought for purposes of delay, but rather, to have adequate time to file a response, taking into account due diligence.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. This is the second motion filed herein to continue the Government's response deadline.

DATED: January 21, 2018.

Respectfully submitted,

DAYLE ELIESON  
United States Attorney

//s//  
PHILLIP N. SMITH, JR.  
Assistant United States Attorney

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2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 UNITED STATES OF AMERICA, ) **2:17-CR-199-RFB**  
7 )  
8 Plaintiff, ) **FINDINGS OF FACT AND**  
9 v. ) **ORDER**  
10 )  
11 MARVIN ROBINSON, )  
12 Defendant. )  
\_\_\_\_\_ )

13 **FINDINGS OF FACT**

14 Based on the pending Motion made by the United States, and good cause appearing  
15 therefore, the Court finds that:

16 1. The Defendant's Motion was filed and served on November 8, 2017. *See* Docket  
17 #27.

18 2. The parties were previously attempting to negotiate the case via a plea agreement,  
19 which would have obviated the need for the Court to consider the Defendant's Motion. Counsel  
20 for the Defendant notified undersigned counsel for the Government via email on January 18,  
21 2018 that the Defendant declined to enter into the proposed plea agreement.

22 3. Undersigned counsel for the Government was out of the jurisdiction from January  
23 16-19, 2018.

24 4. Trial in this matter is presently scheduled for March 27, 2018. Consequently, an  
25 extension of the Government's response deadline until February 5, 2018 will not affect the  
26 present trial date or prejudice the Defendant.

27 5. The additional time requested herein is not sought for purposes of delay, but  
28 rather, to have adequate time to file a response, taking into account due diligence.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

7. This is the second motion filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the Government's response deadline.

## ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion (Docket #27) is extended until February 5, 2018.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

Dated: 1/22/2018